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1. (Amended) A recombinant adenovirus expression vector comprising [a partial or total deletion of a protein IX DNA and] (a) gene encoding a foreign protein and (b) adenovirus DNA which has been deleted from about 360 nucleotides to about 4000 nucleotides from the 5' end of the adenovirus DNA, and wherein the total length of the vector DNA is less than about 35 KB.

✓ In claim 3, please replace "2" with --1--.

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6. (Amended) The recombinant adenovirus expression vector of claim [4 or 5] 1 or 3 [further comprising] wherein (a) the [a deletion of up to forty nucleotides positioned 3' to the E1a and E1b and] protein IX polyadenylation signal in the adenovirus DNA has further been deleted, [deletion] and wherein (b) the vector further comprises a foreign DNA molecule encoding a polyadenylation signal.

REMARKS

Applicants confirm the election without traverse of Group I, claims 1-15. Claims 1-15 have been examined on the merits. Claims 16-31 have been canceled without prejudice as being in a non-elected restriction group. The specification has been amended to correct certain informalities. Pending claims 1, 3, and 6 have been amended and claims 2, 4, and 5 canceled as discussed in detail below. A Supplemental Information Disclosure Statement is herewith submitted.

Rejections under 35 U.S.C. 102(b)

Claims 1-5, 7, 8, 10, and 12-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Haj-Ahmad and Gregory ("Haj-Ahmad", J. Virol. 57:267-274 (1986)). While not acquiescing to the Office's position, and in the interest of further expediting prosecution, Applicants have amended claim 1 to recite, "A recombinant adenovirus expression vector comprising (a) a gene encoding a foreign protein and (b) adenovirus DNA which has been deleted from about 360 nucleotides to about 4000